

REMARKS

Claims 1 through 19 were presented for examination in the present application. The instant amendment adds new claims 20 through 31. Thus, claims 1 through 31 are presented for consideration upon entry of the instant amendment.

The Applicants wish to thank the Examiner for his close attention to detail in reviewing the present application. The specification has been amended in the manner suggested by the Examiner. Reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claims 16 through 19 were rejected under 35 U.S.C. §112, first paragraph.

Claim 16 has been amended to recite that the controller controls the first and second sets of arms. Applicants respectfully submit that this amendment obviates the rejection. Reconsideration and withdrawal of this rejection to claims 16 through 19 are respectfully requested.

Claims 1 through 19 were rejected under 35 U.S.C. §112, second paragraph.

The phrase “disc-like” of claims 1, 7, 8, 13, 15, 16, 18, and 19 and the phrase “tong-like” of claims 1,3, 6, 7, 10, and 12 through 16 were rejected for failure to provide definite structure. Further the Office Action asserts that the claim should set forth definite structure.

Applicants respectfully traverse these rejections.

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Thus, Applicants submit that the requirement of the Office Action to “set forth definite structure” is the improper standard on which to judge the definiteness of the claims.

Moreover, Applicants respectfully submit that those skilled in the art would understand what is claimed by the “disc-like” and “tong-like” elements when the claims are read in light of the specification.

For example, and with respect to the “disc-like” element, Applicants respectfully submit that this element is explicitly defined by the present application. Specifically, the present application provides:

“It should be emphasis that according to the invention the term disk-like member, in its meaning, comprises any kind of member which can be swapped or transferred by means of the inventive apparatus, or which is adapted to be used within the inventive process. Thus, in the inventive sense disk-like members can be, for instance, round like a wafer, or rectangular like a plate, or can be of any appropriate shape.” See page 4, lines 20-26.

Clearly, those skilled in the art would understand what is claimed by the “disc-like” element when the claims are read in light of the above.

Further, the term “like” when used as a suffix is a preposition having the meaning of “having the characteristics of” or “similar to”. See Webster’s Ninth New Collegiate Dictionary.

It is also submitted that those skilled in the art would understand what is claimed by the things having the characteristics of discs or tongs when read in light of the specification.

Accordingly, reconsideration and withdrawal of these rejections to claims 1, 3, 6, 7, 8, 10, 12 through 16, 18, and 19 are respectfully requested.

The phrase “adapted to provide” of claim 1 was also rejected for failure to provide definite structure.

Applicants also respectfully traverse this rejection.

Claim 1 recites that “said driving-mechanism is adapted to provide a first movement and a second movement to said at least two tong-like arms”. Thus, claim 1 uses functional language to define the driving-mechanism by what it does, rather than by what it is.

Functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971). Rather, a functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. See MPEP 2173.05(g)

It is submitted that the driving-mechanism “adapted to provide a first movement and a second movement” fairly conveys to a person of ordinary skill sufficient structure and meaning to render claim 1 definite.

Reconsideration and withdrawal of this rejection to claim 1 are respectfully requested.

Claims 4, 10, 14, 15, and 16 have been amended to obviate the rejections in the manner suggested by the Office Action. Claim 5 has been amended to replace “contrivance” with its synonym “device”. It is submitted that these amendments merely make explicit what had been implicit in the claims. In addition, these amendments are believed to obviate the rejections to the claims. Accordingly, reconsideration and withdrawal of these rejections to claims 4, 5, 10, 14, 15, and 16 are respectfully requested.

Claims 1-7, 10-12, and 14 were rejected under 35 U.S.C. §102 in view of U.S. Patent No. 6,074,163 to Yamazaki et al. (Yamazaki). Claims 9 and 13 were rejected under 35 U.S.C. §103 over Yamazaki in view of U.S. Patent No. 4,451,197 to Lange (Lange).

Claim 1 has been amended to clarify that the "at least two tong-like arms turn around fulcrums".

Yamazaki is related to the art of glass plate manufacturing in which an apparatus and a method for easily removing a plate (1) from a support plate (2). Scooping blocks (4) are disposed in an opposed relation in the vicinity of outer peripheral edges (1a) on the longer sides of the plate (1), and a gas injection mechanism (11) for injecting a pressurized gas is provided next to the scooping block (4). After the edges of the plate (1) are floated by injecting the pressurized gas from the gas injection mechanism (11) to the outer peripheral edges (1a) of the plate (1) through pipes (12), the scooping blocks (4) are inserted under the plate (1). Thereafter, the scooping blocks (4) are moved upward, by which the plate (1) is removed from the support plate (2). See Abstract. The scooping block 4 is supported by an air cylinder 5 fixed to a bracket 6 so as to be movable in the direction of arrow Y. The bracket 6 is movable in the direction of arrow X by a drive screw 7 (7a, 7b) supported by a bearing 9.

Clearly, the scooping blocks of Yamazaki do not disclose or suggest the tong-like arms that "turn around fulcrums" recited by claim 1.

Lange is merely asserted as disclosing a sensor on a pick-up. See page 5, lines 5-6 of the Office Action dated November 17, 2005. Thus, Lange also does not disclose or suggest the tong-like arms that "turn around fulcrums" recited by claim 1.

Accordingly, claim 1 is not disclosed or suggested by Yamazaki alone, or in combination with Lange.

Claim 1 is therefore believed to be in condition for allowance. Claims 2 through 14 are also believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 1. Reconsideration and withdrawal of the rejections to claims 1 through 14 are respectfully requested.

Claims 15 through 19 were not rejected by the Office Action under any of the cited art and, thus, are believed to be in condition for allowance.

Claims 20 through 31 have been added to point out various aspects of the present application. Support for new claims 20 through 31 can be found at least in original claims 1 through 14.

It is believed that new claims 20 through 31 are in a condition for allowance. For example, independent claim 20 recites that the driving-mechanism comprises "a lever apparatus and/or spindle means for controlling said first and second movements".

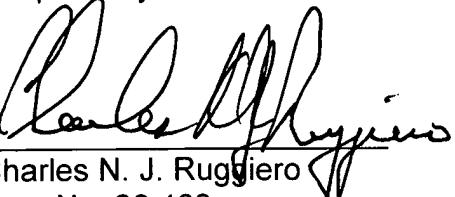
It is respectfully submitted that the air cylinder and injected gas of Yamazaki, alone or in combination with the sensor of Lange, do not disclose or suggest the claimed driving-mechanism.

Claim 20, as well as claims 21 through 31 that depend therefrom, are therefore believed to be in condition for allowance.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



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